

REMARKS

Claims 1-4 remain for examination.

Claims 1-4 stand rejected under 35 U.S.C. § 112, second paragraph. The Examiner indicates that claim 1 does not recite that the first processing means includes the recitation of the temporary values being processed by a Black-Generation and Under Color Removal.

The Examiner's rejection is respectfully traversed.

The Examiner is correct in observing that the first processing means does not include a recitation of the Black-Generation and Under Color Removal processing and indeed, applicant believes that in an embodiment of applicant's invention, it is not necessary to include a BG/UCR processes in the first processing means. Indeed, at the summary of the invention in the paragraphing bridging pages 4 and 5 of the application as originally filed, as well as claim 1 as originally filed support such an interpretation. Thus, it is submitted that claim 1 is not indefinite merely because it fails to recite the BG/UCR processes as part of the first processing means. It is noted in this connection, that claim 2 does incorporate a common BG/UCR processing means – that is common to the first and second processing means.

It is submitted that all of applicant's claims fully comply with the provisions of 35 U.S.C. § 112.

Claim 1 stands rejected under 35 U.S.C. § 102(e) as anticipated by Furuya (6,456,404).

The Examiner's rejection is respectfully traversed.

Among errors noted in the Examiner's analysis, particularly glaring is the Examiner's indication that Furuya teaches the second processing means. According to applicant's claim, the second processing means performs a color conversion of the input image data of the picture image format, sets the cyan, magenta and yellow color output signals to temporary values which are slightly smaller than maximum values when the values of the respective color-separated input color signals are minimum, and obtaining final cyan, magenta, yellow

and black color output signals by processing the temporary values by a Black-Generation and Under-Color-Removal processing corresponding to the color output device. The Examiner indicates that Furuya teaches that if the number of colors is smaller than the predetermined value in graphic images, such a condition discriminates the image as a graphic image- see column 5, lines 37-38. The Examiner states that this teaching is read upon by applicant's setting of the cyan, magenta and yellow color output signals to temporary values slightly smaller than the maximum values. However, Furuya merely indicates that as part of the discrimination, if the number of colors is equal to or larger than a predetermined value, the object is discriminated as a photographic image. After such discrimination, the color processing of the photograph is set. Furuya goes on to state that if the number of colors is smaller than the predetermined value the object is discriminated as a graphic image and thus the color processing for the graphics is set.

It may be seen that the number of colors discussed in Furuya at column 5 is part of the discrimination step S20 shown in Fig. 3 and is not part of a color processing *per se*. Indeed, applicant has amended claim 1 in order to make it clear that the first processing means, as well as the second processing means are responsive to the object identifying circuit and the object identifying circuit is already recited as determining whether a data format of the input image data is a non-picture format or a picture format. In other words, the first processing means and the second processing means are not part of the identifying circuit and thus are not part of the means for discriminating whether the object is a photographic image or not.

Thus, according to the applicant's claim recitation, the second processing means is responsive to the object identifying circuit for performing a color conversion of the input image data of the picture image format. Thus, once the image is determined to be of a picture image format, then the processing means sets the cyan, magenta and yellow color output signals to temporary values which are slightly smaller than maximum values. No such corresponding teaching is shown in Furuya which, as indicated above, determines the number of colors and if this number is smaller than the predetermined value, discriminates that the image is a graphic image.

It is also noted that Furuya makes a three-way discrimination between a character, graphics and photographic image. Applicant discriminates between a non-picture format and a picture format. Applicant's second processing means is applicable to the picture format. Column 5, lines 37-38 cited by the Examiner is applicable to the graphics format. Indeed, according to Furuya, the picture format is discriminated if the number of colors is equal to or larger than a predetermined value. Applicant's picture format, once determined, results in a setting of the cyan, magenta and yellow color output signals to temporary values slightly smaller than maximum values.

It may thus be seen that Furuya, does not disclose applicant's specifically recited second processing means and thus cannot serve as an anticipatory reference under 35 U.S.C. § 102.

In order for a reference to anticipate a claim, the reference must disclose each and every limitation of the claim. This is certainly not the case here, and thus the § 102 rejection must be withdrawn.

Inasmuch as applicant's claims 2-4 depend directly or indirectly upon independent claim 1, these claims are likewise deemed to be patentable at least for the reasons indicated above with regard to claim 1.

Minor corrections have been made to the claims to improve readability thereof.


It is submitted that the application is now in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By


#44,740

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